

CULVERTED CREEKS: Requirements for development within 25 feet of a culverted creek centerline

Structure	Activity	Regulation ¹	Berkeley Municipal Code Section	Permit Required by the City of Berkeley Creeks Ordinance ²
New Structures & Expansion of building mass or footprint ³	Repair / Maintenance / Interior Construction	Allowed		None
	New structure or building	0-25'	17.08.045	Verification of the location of the culverted creek centerline
		0-15'	17.08.045	Culverted Creek Permit
	Vertical expansion of existing building or structure (up or down) ³	0-25'	17.08.045	Verification of the location of the culverted creek centerline
		0-15'	17.08.045	Culverted Creek Permit
	Horizontal expansion of building or structure ⁴	0-25'	17.08.045	Verification of the location of the culverted creek centerline
		0-15'	17.08.045	Culverted Creek Permit
	Replacement of buildings and structures after involuntary ⁵ destruction	0-15'	17.08.055.C	Report of structural integrity of culvert or no feasible alternative; rebuild by right if 4 or less residential units; otherwise Use Permit required.
Replacement of buildings after voluntary destruction ⁶		0-25'	17.08.045	Verification of the location of the culverted creek centerline
		0-15'	17.08.045	Culverted Creek Permit
	Replacement of structures (such as decks) after voluntary destruction	0-25'	17.08.045	Verification of the location of the culverted creek centerline
		0-15'	17.08.045	Culverted Creek Permit
Exemptions (Small Structures)	Fence, arbor, trellis, pergola, gazebo, play structure or other similar unenclosed accessory structure	Exempt from investigation of culverted creek centerline and Culverted Creek Permit	17.08.045.B	None
	Retaining walls less than 3' in height			
	Flag and light poles			
	Solar energy equipment			
	Mechanical lifts			
	Prefabricated or other moveable one-story detached accessory buildings that are not permanently attached to a foundation			

¹All distances measured horizontally from the culverted creek centerline.

²All development is also subject to the City of Berkeley Building Code, Zoning Ordinance and any other applicable State and local regulations. Building Permits, Zoning Permits and State permits may be required for specific projects.

³Decks and other structures not listed as exempt are subject to BMC Section 17.08.045

⁴The size and depth of a culvert may warrant additional information required for proposed development beyond 15' from the culverted creek, as determined by the City Engineer.

⁵Involuntary destruction includes fire, earthquake and flood.

⁶Voluntary destruction is the demolition of a building or structure under the authority of the property owner (e.g. they want to tear down and rebuild). This generally requires a Use Permit under the Zoning Ordinance (BMC 23C.04.090 and 23C.08.020)